

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

DEMETRIUS MILNER,)
Petitioner,)
v.) Case No. 1:21-cv-01214-LSC-NAD
JIMMY KILGORE,)
Respondent.)

MEMORANDUM OPINION

Petitioner Demetrius Milner, proceeding *pro se*, filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on or about September 7, 2021. Doc. 1. Milner challenged his August 2021 arrest and detention for possession of methamphetamine. Doc. 1 at 7-8. On June 29, 2022, the magistrate judge to whom the case was referred filed a report and recommendation pursuant to 28 U.S.C. § 636(b), recommending that the habeas petition be dismissed as moot, because Milner pleaded guilty to the charges underlying his arrest. Doc. 7. Although the parties were notified of their rights right to file objections within 14 days, that time expired with no objections having been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's findings and **ACCEPTS**.

The court finds that the petition for writ of habeas corpus is due to be **DISMISSED AS MOOT**. Further, because the petition does not present issues that are debatable among jurists of reason, a certificate of appealability is also due to be **DENIED**. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), *Rules Governing § 2254 Proceedings*.

A separate Final Judgment will be entered.

DONE and **ORDERED** on August 16, 2022.



L. Scott Coggler
United States District Judge

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